

Overview and Scrutiny Management Board



November 1st 2017

Report of: *Peter Mann, Service Director Transport*

Title: *Local Flood Risk Management Strategy (LFRMS)*

Ward: *Citywide*

Officer Presenting Report: *Patrick Goodey & John Stevens*

Contact Telephone Number: *0117 92 23206*

Recommendation

Support for the updated version of the BCC LFRMS and associated documentation is sought from Scrutiny members, as well as guidance on the appropriate engagement strategy for communicating the Strategy with communities.

Summary

The LFRMS sets out our plan for managing flood risk in Bristol in conjunction with partner organisations, including the Environment Agency, Lower Severn Internal Drainage Board and Wessex Water.

The significant issues in the report are:

The BCC LFRMS was first adopted by Cabinet in November 2014. The LFRMS is reviewed annually to monitor progress, including ratification from Scrutiny Board.



Policy

Under the Flood and Water Management Act 2010, Bristol City Council, as Lead Local Flood Authority (LLFA), has a statutory duty to maintain the Local Flood Risk Management Strategy. The LFRMS was adopted by the Cabinet on the 4th November 2014.

Consultation

1. Internal

Preparation of the initial LFRMS involved internal consultation with BCC colleagues in Highways, Strategic Planning, Sustainable City and Climate Change, Nature Conservation, Civil Protection Unit, Environment Team, Contaminated Land Officer, Public Relations, Neighbourhood Management, City Docks and Marine Services. These stakeholders have been given the chance to provide comments on the revised Strategy.

2. External

The LFRMS update is relatively light touch, with no fundamental or significant alterations. Therefore advice from the BCC Communications Team, confirmed through the Decision Pathway and colleagues in Legal Services, is that public consultation of the update is not required.

Key stakeholders have provided input and have commented on the proposed changes. This includes the other Risk Management Authorities operating in Bristol, such as the Environment Agency, Lower Severn Internal Drainage Board and Wessex Water

Context

Bristol is one of the top ten cities in the country at risk of flooding, with approximately 26,000 properties at risk from surface water flooding and over 1,000 properties at risk from tidal flooding.

The LFRMS sets our vision for managing flood risk in Bristol together with our partner organisations that have a role in flood risk management (such as the Environment Agency and Wessex Water).

The main text of the LFRMS has not changed significantly. The formal update includes the removal of actions that have been completed, an update on current actions and the addition of new actions. Along with this there are some other minor amendments to take place.

Proposal

It is recommended the original LFRMS (that was fully adopted in 2014) is updated in line with the required national practice, policy and legislative changes. The LFRMS is also amended to account for alterations to the Strategy Action Plan to reflect recent work undertaken and new works identified since 2014.

The objectives of the LFRMS are to increase flood resilience throughout Bristol, incorporating the projected impacts of climate change. This assists in delivering aims of the Corporate Strategy such as ensuring sustainable development, making places liveable and connecting with and working together

with communities, maintaining critical flood risk assets and tackling climate change.

Our decision to undertake a formal review of the LFRMS has been made due to it being a strategy for a duty placed on BCC that it didn't have before. Therefore we wanted to have the chance to undertake an early formal review to ensure the objectives and actions proposed were achievable and relevant. The review helps ensure that improved understanding of flood risk is regularly incorporated in to the Strategy. Importantly, the Strategy is adjusted and updated to accommodate future plans in light of new information.

The newly revised Strategy will comprise the following;

- There are minor changes to national practice, policy and legislation reflected in the update.*
- The main change is to the Strategy Action Plan. Showing work conducted since its inception and to plan for future works. 14 Actions were completed, three are outstanding, one removed, two amended and seven new Actions added.*
- The Strategy Actions are funded by either LLFA funding from Defra or specific schemes are subject to their own business case. The funding sources may include the EA, WW, S106, and/or our own budgets, where available.*

A map display has been produced to show the progress made and demonstrate how BCC is managing flooding in the Bristol region. The map highlights the successful work undertaken, notably completion of various flood schemes to ensure 220 homes are at a lower risk of flooding.

The Strategy for managing the risk of flooding throughout the city of Bristol, now and into the future, requires support from Scrutiny members. Confirmation of the approval of new BCC LFRMS documents, including the full LFRMS report, LFRMS Summary Report and accompanying Flood management works map is requested.

The intention is then to circulate the new Strategy to all relevant contacts, including publically via the BCC website and to all Councillors. Providing briefings where requested. Advice is sought from Scrutiny members on the appropriate circulation list.

Other Options Considered

No other options considered since producing and maintaining a LFRMS is a statutory duty.

Risk Assessment

The ongoing course of action is required to meet our statutory duty under the Flood and Water Management Act 2010. A full risk assessment has been prepared and is reviewed monthly as part of the Council's formal Performance, Programmes and Projects (PPP) reporting process. The key risk to delivery is a significant flood event causing a change of focus. It should be noted that in recent years, significant floods have occurred in other cities nationally e.g. Sheffield, Hull and locally in the West of England and Somerset. In these locations and following the flooding, significant local and national

attention and pressure has been placed on authorities to deliver projects that reduce the risk. Bristol has not been affected to the same degree but we are working proactively to reduce the risk of flooding before it occurs.

Public Sector Equality Duties

- 8a) Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following “protected characteristics”: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:
- i) Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.
 - ii) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to --
 - remove or minimise disadvantage suffered by persons who share a relevant protected characteristic;
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);
 - encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
 - iii) Foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to –
 - tackle prejudice; and
 - promote understanding.

8b) *A separate EqIA was been completed and approved by Peter Mann (Service Director, Transport) and Jane Hammill (then Equalities Representative) for the LFRMS. Overall, the LFRMS is understood to have a low negative impact on equalities issues, and potential benefit to equalities groups as it identifies the communities at highest risk of flooding and advocates an approach for BCC and communities to manage the risk.*

For the formal update to the LFRMS the Equalities Officer, Wanda Knight, explained that the original statements above still stand. This is at a strategic level and therefore a full EqIA is not required again. Future projects or measures may need an EqIA so the action plan will need to be checked to discover any equalities issues that need to be assessed for impact.

Legal and Resource Implications

Legal

The Council, through its elected Mayor and those he may delegate to act on his behalf, is the LLFA and has a duty under the Flood and Water Management Act 2010 to develop, maintain, apply and monitor a LFRMS. There is a statutory duty to consult risk management authorities that may be affected by the strategy and the public about the strategy.

Relevant factors in deciding whether it is necessary to consult on the revised strategy are

- The nature and the impact of the decision*
- Whether there is a legitimate expectation that the public will be consulted on any revisions.*

The Cabinet Office Principles state that consultation may not be appropriate "for minor or technical amendments to regulation or existing policy frameworks... or where adequate consultation has taken place at an earlier stage."

(Legal advice provided by Sarah Sharland, Team Leader, Litigation Regulatory and Community Team, Legal Services)

Financial

This proposal seeks endorsement of the strategic approach for managing local flooding risk. The LFRMS identified and prioritised local objectives in line with the national objectives and 45 local actions were recommended in the strategy. From a financial perspective, majority of these actions are relating to the day to day management of flood risks and mitigations, which include revenue spending activities such as carrying out assessments, studies, implement systems, and producing further strategies and action plans, plus the day to day revenue and capital infrastructure maintenance of assets. For these actions, the revenue and capital funding are mainly sourced via DCLG and will be absorbed under the approved revenue and capital budget envelope within the MTFP.

However, some of these actions may lead to significant capital schemes and infrastructure development in the medium and long term and the funding sources for these schemes are yet to be identified and prioritised.

Long term capital and revenue maintenance liability is a key consideration for all schemes, which is not clear at this stage.

(Financial advice provided by Tian Ze Hao, Finance Business Partner - Place)

Land

Not applicable

Personnel

Not applicable

(Personnel advice provided by Not applicable)

Appendices:

20170324 LFRMS Flood management works

20170324 Local Flood Risk Management Strategy – Summary

20170914 Local Flood Risk Management Strategy

20171023 Scrutiny LFRMS

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers:

None.